IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 22ND OCTOBER 2007 / 30TH ASWINA 1929

WP(C).No. 30721 of 2007(G)

PETITIONER:

DEEPA THAMPAN, MANAGING PARTNER,
VARMA GAS AGENCY, PARAVOOR, KOLLAM,
(KRISHNA KRIPA, PALACE WARD, THEVALLI KOLLAM)

BY ADV. SRI.K.KARTHIKEYA PANICKER

RESPONDENTS:
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1. THE DISTRICT COLLECTOR, COLLECTORATE, KOLLAM

2. THE DISTRICT SUPPLY OFFICER, DISTRICT SUPPLY OFFICE, KOLLAM.

3. A. SASIKUMAR, DISTRICT SUPPLY OFFICER, DISTRICT SUPPLY OFFICE, KOLLAM.

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 30721 OF 2007 G
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Dated this the 22nd October, 2007

J U D G M E N T

This writ petition is filed seeking to quash Exts. P1 and P3 and for a direction to the respondents to drop the proceedings initiated against the petitioner. Consequential reliefs are also sought for.

2. Petitioner is a dealer of Liquified Petroleum Gas marketed by the Indian Oil Corporation Limited. It is stated that the 3rd respondent being the District Supply Officer of the area in question, had inspected the premises of the petitioner and that led to the issuance of Ext. P1 noticing irregularities in the conduct of L.P.G. Distributorship. By Ext. P1 the petitioner has been called upon to explain as to why action should not be initiated for the irregularities noticed therein. Subsequently, the 1st respondent issued Ext. P3 calling upon the petitioner to appear before him to prove her innocence.

3. The contentions that are now raised by counsel for the petitioner are that as is evident from Ext.

P4, inspection was conducted by the officer of the Indian Oil Corporation Ltd., on 7-8-2007 and that no irregularity was found, but however, irregularities were noticed as per Ext. P1 on 23-8-2007. It is also stated that the said inspection conducted by the 2nd respondent was on a holiday and therefore is vitiated. It is further submitted that documents relied on against the petitioner have not been disclosed to the petitioner so that an effective opportunity to prove her innocence is also denied to her. Further it is contended that proceedings are liable to be dropped as it has been initiated for malafide reasons and due to political rivalry. It is further stated that in an open forum that was convened by the District Collector on 15-9-2007 nobody had any complaint against the manner in which the distributorship is run by the petitioner.

4. I heard the learned Govt. Pleader also in this matter. He would point out that there were several complaints regarding the manner in which the distributorship is run by the petitioner and complaints

were also received by the District Collector. It is submitted that in the inspection irregularities have in fact been found and this has been noticed in Ext. P1 itself. It is also submitted that further action will be initiated following Ext. P1 and that every opportunity will be provided to the petitioner to prove her innocence.

5. I have considered the submissions made by both sides. The fact that an inspection conducted by the officers of the Indian Oil Corporation Ltd., sometime before the inspection in question does not mean that there could not have any irregularity when the inspection was conducted by the 3rd respondent. Hence, for any irregularity that he may have found he is entitled to take any action and the petitioner cannot complain that the action taken is vexatious for that reason. That apart, even if the inspection was conducted by the 3rd respondent on a holiday that does not mean that the action is without jurisdiction.

6. If the petitioner has not been disclosed documents that are relied on against her for proving

her innocence of that is certainly a matter for concern. It is essential that the petitioner should be disclosed the contents of the documents that are relied on against the petitioner in an enquiry sought to be conducted. Therefore, if the petitioner seeks disclosure of the materials that are relied on that has to be disclosed either by furnishing copy or by permitting her to peruse the same and take copies thereof. As at present, I am not in a position to accept the contention of the petitioner that the whole proceedings should be dropped as vexatious. Now that the 1st respondent is seized of the matter it is for the 1st respondent to conclude the proceedings against the petitioner. This Court will not be justified in interfering with the matter at this stage. The writ petition fails and is dismissed.

7. In view of what is stated above I direct that before proceeding further with the enquiry the petitioner shall either be given copies of the documents that are relied on against her or at least she should be allowed to peruse the documents and take

extracts thereof. It is only thereafter the respondents should proceed further with the enquiry.

With the above observations writ petition is disposed of.

ANTONY DOMINIC
JUDGE

jan/-